

00766.000046

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|-------------------------------|
| In re Application of: |) | |
| HIROMASA MIYAJI ET AL. | : | Examiner: Shulamith H. Shafer |
| |) | |
| Application No.: 09/763,793 | : | Group Art Unit: 1647 |
| |) | |
| Filed: February 27, 2001 | : | Confirmation No.: 3687 |
| |) | |
| For: NOVEL POLYPEPTIDE | : | |
| |) | July 18, 2007 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE RE DEPOSIT OF MICROORGANISMS

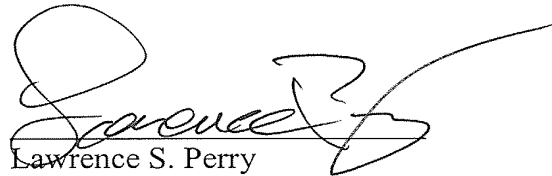
Sir:

The above-identified application discloses plasmid p46-1, which has been deposited with the National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology under the designation Accession Number: FERM BP-6462.

This deposit has been made with the National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology under the terms and conditions of the Budapest Treaty. Copies of the International Receipt forms are attached along with English translations. Access to this deposit will all be accorded to the Assistant Commissioner upon request and any restrictions upon their availability to the public will be irrevocably removed upon granting of any patent issuing on this application or any

continuation, divisional or continuation-in-part applications. Maintenance of the deposits is assured for periods of time as specified in the Budapest Treaty.

Assignee will replace the cultures if any should become non-viable for a period of at least five (5) years after the most recent request for the furnishing of a sample of deposited microorganism, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of such patent, whichever is longer.

A handwritten signature in black ink, appearing to read 'Lawrence S. Perry', is written over a horizontal line.

Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hiromasa Miyaji, *et al.*

Appln. No.: 09/763,793

Group Art Unit: 1647

Filed: February 27, 2001

Examiner: Shulamith H. Shafer, Ph.D.

For: NOVEL POLYPEPTIDE

DECLARATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

I, Eiichi Kobayashi, do declare and state that:

I graduated from the University of Tokyo, Faculty of Agriculture, Department in Agricultural Chemistry, having received a Master's Degree of Agriculture in March, 1992.

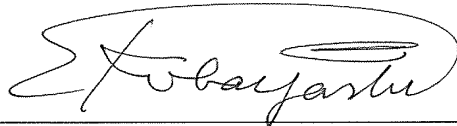
I understand the Japanese and English languages.

Attachment is a copy of FERM BP-6462 and FERM BP-6830 and an accurate English translation thereof made by me.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : June 19, 2007

Name :



Eiichi Kobayashi



特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い
発行される。

issued pursuant to Rule 7. 1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

原寄託についての受託証

氏名 (名称)

協和醗酵工業株式会社

寄託者

取締役社長 平田 正

殿

あて名

東京都千代田区大手町一丁目 6 番 1 号

1. 微生物の表示

(寄託者が付した識別のための表示)

Escherichia coli: JM109/p46-1

(受託番号)

FERM BP- 6462

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

☐ 科学的性質

☒ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 10 年 8 月 18 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、
年 月 日 (原寄託日) に 1 欄の微生物を受領した。
そして、
年 月 日 に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology
Agency for Industrial Science and Technology

所長 大審 信

Dr. Shinobu Ohtsuka Director-General

あて名: 日本国茨城県つくば市東 1 丁目 1 番 3 号 (郵便番号 305-8566)

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成 10 年 (1998) 8 月 18 日

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

| | | |
|-----------|--------------------|---|
| Depositor | Name (Appellation) | Kyowa Hakko Kogyo Co., Ltd. |
| | Address | President, Tadashi HIRATA 〒100 6-1, Ohtematchi 1-chome, Chiyoda-ku, Tokyo |

| | |
|--|----------------------------------|
| I. Indication of Microorganism | |
| (Indication for identification used by the depositor) Escherichia coli JM109/p46-1 | (Accession No.) FERM BP- 6462 |
| II. Scientific Property and Taxonomic Designation | |
| To the microorganism described in column I, document(s) which describe(s) the following item(s) are attached <input type="checkbox"/> Scientific Property <input checked="" type="checkbox"/> Taxonomic Designation | |
| III. Receipt and Acceptance | |
| The International Depositary Authority accepts the microorganism described in column I received on August 18, 1998 (date of the original deposit) | |
| IV. Receipt of Request for Transfer | |
| The International Depositary Authority received the microorganism described in column I received on _____ (date of the original deposit), and then received a request for transfer to deposit based on the Budapest Treaty from the original deposit on _____. | |
| V. International Depositary Authority | |
| Appellation: National Instituted of Bioscience and Human-Technology Agency of Industrial Science and Technology <u>Dr. Shinichi Ohashi, Director-General (seal)</u> Address: 1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken 305, JAPAN | |
| August 18, 1998 | |



特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
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page.

原寄託についての受託証

氏名 (名称)

協和醗酵工業株式会社

取締役社長 平田 正

寄託者

あ て 名 〓

殿

東京都千代田区大手町一丁目 6 番 1 号

1. 微生物の表示

(寄託者が付した識別のための表示)

Escherichia coli JM109/p3-2

(受託番号)

FERM BP- 6830

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

- ☐ 科学的性質
☒ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 11 年 8 月 5 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、
年 月 日 (原寄託日) に 1 欄の微生物を受領した。
そして、
年 月 日 に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Advanced Industrial Science and Technology
Agency for Industrial Science and Technology

所 長 大 箸 信

Dr. Shinobu Ohtsuka Director-General

あて名: 日本国茨城県つくば市 (郵便番号 305-8566)

1-3, Higashi 1-chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成 11 年 (1999) 8 月 5 日

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

Depositor Name (Appellation) Kyowa Hakko Kogyo Co., Ltd.
President, Tadashi HIRATA
Address 〒100
6-1, Ohtematchi 1-chome, Chiyoda-ku, Tokyo

| | |
|--|----------------------------------|
| I. Indication of Microorganism | |
| (Indication for identification used by the depositor) Escherichia coli JM109/p3-2 | (Accession No.) FERM BP- 6830 |
| II. Scientific Property and Taxonomic Designation | |
| To the microorganism described in column I, document(s) which describe(s) the following item(s) are attached <input type="checkbox"/> Scientific Property <input checked="" type="checkbox"/> Taxonomic Designation | |
| III. Receipt and Acceptance | |
| The International Depositary Authority accepts the microorganism described in column I received on August 5, 1999 (date of the original deposit) | |
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| V. International Depositary Authority | |
| Appellation: National Instituted of Bioscience and Human-Technology Agency of Industrial Science and Technology <u>Dr. Shinichi Ohashi, Director-General (seal)</u> Address: 1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken 305, JAPAN | |
| August 5, 1999 | |